

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-6 and 8-20 are presently pending. Claims amended herein are 1, 2, 8-10, 14 and 20. Claims withdrawn or cancelled herein are 7. New claims added herein are none.

Statement of Substance of Interview

[0004] The Examiner graciously talked with me—the undersigned representative for the Applicant on June 4, 2007. The Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, it was agreed that the Specification Amendment presented herein would resolve the Examiner's § 101 concerns, and that the amendment presented herein for claim 20 would resolve the § 112 issue.

[0006] I discussed how the claims differed from the cited art, namely LaMacchia. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0007] The Examiner indicated that he would need to review the cited art more carefully and do another search, and requested that the proposed amendments be presented in writing.

[0008] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0009] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0010] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Claim Amendments and Additions

[0011] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 2, 8-10, 14 and 20 herein.

Claim Objection

[0012] The typographical error in claim 2 was corrected as recommended by Examiner Seye, as presented herein.

Substantive Matters

Claim Rejections under § 112

[0013] Claim 20 is rejected under 35 U.S.C. § 112, 2nd ¶. In light of the amendment to claim 20 presented herein, as agreed to during our interview with Examiner Seye, Applicant submits that this rejection is moot. Accordingly, Applicant asks the Examiner to withdraw this rejection.

Claim Rejections under § 101

[0014] Claims 1-6 and 8-13 are rejected under 35 U.S.C. § 101. In light of the Specification amendment presented herein, as agreed to during our interview with Examiner Seye, the Applicant respectfully submits that these claims comply with the patentability requirements of § 101 and that the § 101 rejections should be withdrawn. The Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0015] If the Examiner maintains the rejection of these claims, then the Applicant requests additional guidance as to what is necessary to overcome the rejection.

Claim Rejections under § 102

[0016] Claims 1-6 and 8-20 are rejected under 35 U.S.C. § 102. In light of the amendments presented herein and the decisions/agreements reached during the above-discussed Examiner interview, Examiner Seye stated that a new search would be required. Therefore, the Applicant submits that these rejections based on the current cited art are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0017] The Examiner's rejections are based upon the following reference:

LaMacchia: *LaMacchia, et al.*, US Patent No. 6,981,281 (issued December 27, 2005);

Overview of the Application

[0018] A mechanism for executing a hosted application in either a browser-execution environment or as a standalone application is described. The mechanism enables hosting code in either of plural hosting environments, whereby the appropriate hosting environment may be either browser hosted or standalone. (*Application*, Abstract)

Cited References

LaMacchia

[0019] LaMacchia describes a security policy manager that generates a permission grant set for a code assembly received from a resource location. The security policy manager can execute in a computer system (e.g., a Web client) in combination with a verification module and class loader of the run-time environment. The permission grant set generated for a code assembly is applied in the run-time call stack to help the system determine whether a given system operation by the code assembly is *authorized*. A permission request set may also be received in association with the code assembly. The permission request set is used to specify permissions requested by the code assembly to provide an alternative level of functionality, by determining what permissions are granted to the code assembly, or not granted to the code assembly. (*LaMacchia*, Abstract)

Anticipation Rejections

[0020] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Based upon LaMacchia

[0021] The Examiner rejects claims 1-6 and 8-20 under 35 U.S.C. § 102(e) as being anticipated by LaMacchia. Applicant respectfully traverses the rejections of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0022] The primary reference (i.e., LaMacchia) does not disclose the following from claim 1 (with emphasis):

1. A computer-readable medium having computer-executable components, comprising:

a body of code that includes a **public static function call** that operates to cause the body of code to be hosted in a **first hosting environment**, the **absence** of the **public static function call** being operative to cause the body of code to be hosted in a **second hosting environment**.

[0023] LaMacchia does not disclose or describe "a body of code that includes a public static function call that operates to cause the body of code to be hosted in a first hosting environment, the absence of the public static function call being operative to cause the body of code to be hosted in a second hosting environment" (*Specification*, page 14, lines 17-25, and original claim 7).

[0024] Instead, LaMacchia states that: "The computer system 102 initiates a run-time environment to execute the downloaded application and to manage

security of the system 102. The run-time environment on the computer system 102 may be initialized by a 'trusted host', such as an operating system shell, a browser, an SQL server, or other code that is external to the run-time environment". (LaMacchia, column 5, lines 32-41)

[0025] Regarding the elements of the Applicant's claims that were cited to LaMacchia in this Office Action, it is assumed that the Examiner equates the Applicants "body of code" with LaMacchia's "downloaded application or code assembly" (LaMacchia, column 5, lines 9-41, and column 6, lines 11-20).

[0026] However, LaMacchia does not disclose or describe that any public static function call in the "downloaded application or code assembly" operates to determine any specific hosting environment.

[0027] Furthermore, LaMacchia does not disclose or describe that the *absence* of any public static function call in the "downloaded application or code assembly" operates to determine a *different* hosting environment. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 9

[0028] The primary reference (i.e., LaMacchia) does not disclose the following from claim 9 (with emphasis):

9. A computer-readable medium having computer-executable components, comprising:

an **executable file**, comprising:

a first portion including computer-executable instructions operative for performing operations; and

a second portion **including a public static function call which, when invoked, is operative to cause the executable file to be executed in an alternative hosting environment.**

[0029] LaMacchia does not disclose or describe "an executable file, comprising:.....a second portion including a public static function call which, when invoked, is operative to cause the executable file to be executed in an alternative hosting environment".

[0030] As discussed for claim 1 above, it is assumed that the Examiner equates the Applicants "executable file" with LaMacchia's "downloaded application or code assembly" (LaMacchia, column 5, lines 9-41, and column 6, lines 11-20).

[0031] However, LaMacchia does not disclose or describe that any public static function call in the "downloaded application or code assembly" operates to determine any alternative hosting environment. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 14

[0032] The primary reference (i.e., LaMacchia) does not disclose the following from claim 14 (with emphasis):

14. A computer-executable method of hosting an executable file in a hosting environment, the method comprising:

providing a shell environment that is operative to launch the executable file in a default hosting environment common to other executable files; and

providing a public static function that, if called by the executable file, is operative to cause the executable file to be launched in an alternative hosting environment.

[0033] LaMacchia does not disclose or describe an executable file "providing a public static function that, if called by the executable file, is operative to cause the executable file to be launched in an alternative hosting environment".

[0034] As discussed for claim 1 above, it is assumed that the Examiner equates the Applicants "executable file" with LaMacchia's "downloaded application or code assembly" (LaMacchia, column 5, lines 9-41, and column 6, lines 11-20).

[0035] However, LaMacchia does not disclose or describe that any public static function call in the "downloaded application or code assembly" is operative to cause the executable file to be launched in an alternative hosting environment. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims

[0036] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0037] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted

Dated: 2007.06.28

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